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09/468,470	12/21/1999	GERALD L. TAYLOR	E-924	3675

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EXAMINER

STEWART, THEOPLIS E

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/468,470

Applicant(s)

TAYLOR, GERALD L.

Examiner

Theoplis E Stewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

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### *Detailed Action*

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Burst et al U.S Patent (5673193)

1-1. *Regarding claim 1;*

Burst discloses:

A method to allow a mailer utilizing a data processing system to receive postal discounts for mailing at a postal entry point a plurality of mail pieces to a plurality of mailing addresses, wherein the postal discounts are provided in accordance with USPS Destination Delivery Unit (DDU) rate or discounting for mailing Periodicals and Standard Mail at a plurality of eligible USPS postal facilities, each eligible USPS postal facility associated with a plurality of local ZIP codes and carrier routes, said method comprising the steps of:

- creating an entry point lookup file containing a plurality of identification codes, each of which identifies one eligible USPS postal facility so as to allow the mailer to use one of the identification codes to identify the postal entry point where the mailer drops off the mail pieces for mailing; (Column 2, lines 34-37, "Information as to postal zones and rates to a particular zip code from the BMCs is also accessed, so that postal rates for each bundle can be calculated. Addressee information is provided to the system, including a general address having a zip code and particularized information for each addressee."
- creating a drop ship index file containing a plurality of local ZIP codes and carrier routes associated with each eligible USPS postal facility; (Column 2, lines 28-34, "The invention comprises a system and method for processing a mailing consisting of a plurality of identical printed items to be grouped into bundles having an identical general address. Information as to bulk mailing centers (BMC) is accessed, which information provides an associated BMC for each group of zip codes, based generally on geographical proximity to a certain BMC."
- checking the mailing address of each mail piece in order to verify whether the mailing address is contained in the plurality of local ZIP codes and carrier routes associated with

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said postal entry point. (Column 2, lines 37-43, "Addressee information is provided to the system, including a general address having a zip code and particularized information for each addressee. The addresses should preferably be compatible with the particular bulk mailing procedures being used. Alternatively, the addresses can be screened for compatibility after being input into the system."

1-2. *Regarding claim 2;*

Burst further discloses:

- an entry point lookup file is created from a USPS Drop Ship Address File which contains addresses of eligible USPS postal facilities. (Column 2, lines 31-39, "the entry point lookup file is created from a USPS Drop Ship Address File which contains addresses of eligible USPS postal facilities."

1-3. *Regarding claim 3;*

Burst further discloses:

- a drop ship index file is created from a USPS Drop Ship ZIP Carrier Route File which contains local ZIP codes and carrier routes associated with each eligible USPS postal facility. (Column 2, lines 31-34, "a system and method for processing a mailing consisting of a plurality of identical printed items to be grouped into bundles having an identical general address. Information as to bulk mailing centers (BMC) is accessed, which information provides an associated BMC for each group of zip codes, based generally on geographical proximity to a certain BMC. Information as to postal zones and rates to a particular zip code from the BMCs is also accessed, so that postal rates for each bundle can be calculated.")



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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4 -14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst et al U.S. Patent (5673193) and further in view of Manduley et al U.S. Patent (5079714).

2-1. *Regarding claim 4;*

Burst does not explicitly disclose:

- identification code is a nine-digit code.

However, as shown by Manduley teach of a identification code is a nine-digit code and thus is old and well known in the arts.

Therefore, would have been obvious to one of ordinary skill in the arts to modify the method of Burst by adapting the teaching of Manduley (Column 4, lines 44-46) in *motivation* to devise a code that would determine accuracy in locating regional centers.

2-2. *Regarding claim 5;*

Burst does not explicitly disclose:

- identification code is a ZIP+4 code for an eligible USPS postal facility.

However, as shown by Manduley teach of a identification code is a nine-digit code and thus is old and well known in the arts.

Therefore, would have been obvious to one of ordinary skill in the arts to modify the method of Burst by adapting the teaching of Manduley (Column 4, lines 27-31) in *motivation* to devise a code that would determine accuracy in locating regional centers.

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2-3. *Regarding claim 6 and 12;*

Burst does not explicitly disclose:

- identification code is a nine-digit code.

However, as shown by Manduley teach of a identification code is a nine-digit code and thus is old and well known in the arts.

Therefore, would have been obvious to one of ordinary skill in the arts to modify the method of Burst by adapting the teaching of Manduley (Column 4, lines 44-46) in *motivation* to devise a code that would determine accuracy in locating regional centers.

2-4. *Regarding claim 7;*

Burst and Manduley do not explicitly disclose:

- nine-digit identification code is equivalent to a three-digit prefix or the five-digit ZIP code for an eligible USPS postal facility.

It would have been an obvious manner of design choice to modify the teachings of Burst to include a method of nine-digit identification code is equivalent to a three-digit prefix or the five-digit ZIP code for an eligible USPS postal facility.

Since the applicant has not disclosed that *nine-digit identification code is equivalent to a three-digit prefix or the five-digit ZIP code for an eligible USPS postal facility* solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Burst and Manduley will perform the invention as claimed by the applicant with any method, means, or product.

2-5. *Regarding claim 8;*

Burst does not explicitly discloses:

- each eligible USPS postal facility has an address including a state, a city and a street, the identification codes in the entry point lookup file being sorted according to the address of the eligible USPS postal facilities by state, city and street.

It would have been an obvious manner of design choice to modify the teachings of Burst to include each eligible USPS postal facility has an address including a state, a city and a street, the identification codes in the entry point lookup file being sorted according to the address of the eligible USPS postal facilities by state, city and street.

Since the applicant has not disclosed that *each eligible USPS postal facility has an address including a state, a city and a street, the identification codes in the entry point lookup file being*

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*sorted according to the address of the eligible USPS postal facilities by state, city and street*  
solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Burst will perform the invention as claimed by the applicant with any method, means, or product.

2-6. *Regarding claim 9;*

Burst does disclose:

- a system and method for processing a mailing consisting of a plurality of identical printed items to be grouped into bundles having an identical general address. Information as to bulk mailing centers (BMC) is accessed, which information provides an associated BMC for each group of zip codes, based generally on geographical proximity to a certain BMC. Information as to postal zones and rates to a particular zip code from the BMCs is also accessed, so that postal rates for each bundle can be calculated.
- Addressee information is provided to the system, including a general address having a zip code and particularized information for each addressee. The addresses should preferably be compatible with the particular bulk mailing procedures being used. Alternatively, the addresses can be screened for compatibility after being input into the system.

However, Burst does not explicitly disclose:

- A process for creating an entry point lookup file containing a plurality of identification codes so as to allow a mailer to use one of the identification codes to identify an eligible USPS postal facility where the mailer drops off a plurality of mail pieces for mailing the mail pieces in order to receive postal discounts, wherein the postal discounts are provided in accordance with USPS Destination Delivery Unit (DDU) rate or discounting for mailing Periodicals and Standard Mail, said process comprising the steps of:
- providing a USPS Drop Ship Address File, which contains a plurality of addresses of the eligible USPS postal facilities;
- retrieving the addresses of the eligible USPS postal facilities, wherein each address contains a ZIP code, a state, a city and a street;
- creating the plurality of identification codes, each identification code for one eligible USPS postal facility based on the address thereof; and
- sorting the plurality of identification codes according to the state, the city and the street of the eligible USPS postal facilities.



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It would have been an obvious manner of design choice to modify the teachings of Burst to include a process comprising the above steps.

Since the applicant has not disclosed that this process comprising the above steps solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Burst will perform the invention as claimed by the applicant with any method, means, or product.

2-7. *Regarding claim 10;*

Burst does disclose:

- that a BMC can be analyzed by its zip code to determine individually the closest BMC, which may vary for different zip codes

However, Burst does not explicitly disclose:

- identification codes are created based on the ZIP codes of the eligible USPS postal facilities.

It would have been an obvious manner of design choice to modify the teachings of Burst to include a method of identification codes are created based on the ZIP codes of the eligible USPS postal facilities.

Since the applicant has not disclosed that this process comprising the above steps solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Burst will perform the invention as claimed by the applicant with any method, means, or product.

2-8. *Regarding claim 11;*

Burst does disclose:

- BMC can be analyzed by its zip code to determine individually the closest BMC, which may vary for different zip codes

However, Burst does not explicitly disclose:

- step of checking the retrieved addresses of the eligible USPS postal facilities to make sure the addresses are accurate.

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It would have been an obvious manner of design choice to modify the teachings of Burst to include a method of identification codes are created based on the ZIP codes of the eligible USPS postal facilities.

Since the applicant has not disclosed that this process comprising the above steps solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Burst will perform the invention as claimed by the applicant with any method, means, or product.

2-9. *Regarding claim 13;*

Burst does not explicitly disclose:

- A process of creating a drop ship index file so as to allow a mailer to receive postal discounts for mailing at an eligible USPS postal facility a plurality of mail pieces to a plurality of mailing addresses, wherein the postal discounts are provided in accordance with USPS Destination Delivery Unit (DDU) rate or discounting for mailing Periodicals and Standard Mail at a plurality of eligible USPS postal facilities, wherein the drop ship index file contains a plurality of local ZIP codes and carrier routes associated with each eligible USPS postal facility, said process comprising the steps of:
  - providing a USPS Drop Ship Address File, which contains a plurality of addresses of the eligible USPS postal facilities and a drop site key;
  - retrieving the addresses of the eligible USPS postal facilities, wherein each address contains a ZIP code;
  - sorting the retrieved addresses of the eligible USPS postal facilities by the drop site key;
  - providing a USPS Drop Ship ZIP Carrier Route File which contains a plurality of local ZIP codes and carrier routes associated with the eligible USPS postal facilities, a drop site letter key, and a drop site other key;
  - retrieving from the USPS Drop Ship ZIP Carrier Route File the plurality of local ZIP codes and carrier routes eligible for DDU discounting, the drop site letter key, and the drop site other key;
  - sorting the retrieved local ZIP codes and carrier routes by the drop site letter key;
  - merging the retrieved addresses of the eligible USPS postal facilities as sorted in step and the retrieved local ZIP codes and carrier routes as sorted in step
  - sorting the merged addresses and ZIP codes/carrier routes by the drop site other key;
  - creating a plurality of identification codes, each for one retrieved address of the eligible USPS postal facilities so that when the mailer uses an identification code to identify the

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eligible USPS postal facility where the mailer drops off the mail pieces for mailing, the local ZIP codes and carrier routes associated with said eligible USPS postal facility are used to check against each of the mailing addresses to determine whether said mailing address are available for DDU discounting.

It would have been an obvious manner of design choice to modify the teachings of Burst to include a process comprising the above steps.

Since the applicant has not disclosed that this process comprising the above steps solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Burst will perform the invention as claimed by the applicant with any method, means, or product.

2-10. *Regarding claim 14;*

Burst does disclose:

- a system and method for processing a mailing consisting of a plurality of identical printed items to be grouped into bundles having an identical general address. Information as to bulk mailing centers (BMC) is accessed, which information provides an associated BMC for each group of zip codes, based generally on geographical proximity to a certain BMC.
- BMC can be analyzed by its zip code to determine individually the closest BMC, which may vary for different zip codes.

However, Burst does not explicitly discloses:

- steps of eliminating duplicates in the identification codes, wherein two or more duplicate identification codes identify the same eligible USPS postal facility.

It would have been an obvious manner of design choice to modify the teachings of Burst to include a steps of eliminating duplicates in the identification codes, wherein two or more duplicate identification codes identify the same eligible USPS postal facility.

Since the applicant has not disclosed that *a steps of eliminating duplicates in the identification codes, wherein two or more duplicate identification codes identify the same eligible USPS postal facility* solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Burst will perform the invention as claimed by the applicant with any method, means, or product.

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***Response To Amendment***

Applicant's remarks filed have been fully considered but they are not persuasive.

**Examiner's Remarks**

After further consideration, Examiner remains that Brust (U.S. Patent 5, 673, 193) is an appropriate reference to illustrate Applicant's claims conflict with prior art.

Applicant amends claims 1, 9, and 13. Changes to these claims now include (DDU) Destination Delivery Unit. Applicant argues that the selected reference use for rejection, Brust et al (U.S. Patent 5,673,193), deals with bulk mailing centers and does not disclose the step claimed, as amended, by Applicant. Applicant implies that Brust does not deal with the entry point lookup file containing a plurality of identification codes that identifies one eligible destination delivery unit.

Applicant claims that the creation of an entry point lookup file containing identification codes for DDU is not disclosed by Brust, therefore should be patentable. However, it is well known that Bulk Mailing Centers (BMC) are major postal facilities for transporting mail to Destination Delivery Units (DDU). Furthermore, it is known that providing mailers with a file to determine where to forward mail items would be an efficient way to manage postage fees, speed up delivery time, improve overall sorting of mail items. Considering this fact, it is obvious that the existing mail delivery process is in place to manage the identification and delivery to DDU centers from BMC. Furthermore, it would have been obvious to one of ordinary skill in the art that the creation of a file containing identification information on DDUs would add efficiency and save cost to the mail handling process. It would have been an obvious manner of design choice to modify the teachings of Burst to include this step.

However, it still remains that Brust discloses transporting mail items to DDU centers from BMC. Since the applicant has not disclosed that a *step of creating a lookup file to locate DDU centers* solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Burst will perform the invention as claimed by the applicant with any method, means, or product.

Claims 1, 9, and 13 are rejected under - **35 USC § 103**.

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**Conclusion**

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any communications concerning this communications or earlier communications from the examiner should be directed to Theoplis Stewart whose telephone number is (703) 305-5344. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) - 308-1113.

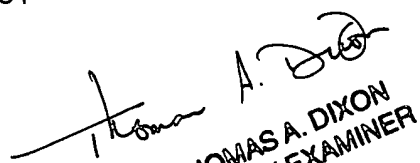
If in attempts to reach the examiner by phone is unsuccessfully, the examiner's supervisor, John Weiss can be reached at 703-308-2702. Responses to this action should be mailed to:

*Commissioner of Patents and Trademarks*  
Washington, D.C 20231

1/27/03

T.E.S



  
THOMAS A. DIXON  
PRIMARY EXAMINER